

REMARKS

By The foregoing amendment, claims 78, 79, 81 and 83 have been limited to the elected peptide species of SEQ ID NO:336. Additionally, claim 83 has been amended to require that the peptide of SEQ ID NO:336 is bound to a therapeutic agent. Support for these amendments may be found throughout the instant specification, especially in the originally filed claims and at pages 52-53. Accordingly, no new matter has been added by the amendment. The pending claims are 78-83.

Also by the foregoing amendment, the first paragraph of the specification has been amended to show the current status of the priority documents.

Favorable consideration is respectfully requested in view of the amendments and the following arguments.

The Restriction Requirement Has Been Satisfied

By the foregoing amendment, Applicants have limited the claims 78-83 to the elected peptide species of SEQ ID NO:336. Applicants submit that this amendment is sufficient to place these claims in condition for allowance. An early indication of allowability is therefore requested.

The Sequence Listing Has Been Approved

Applicants acknowledge that the Sequence Listing filed on June 27, 2003, has been approved.

The Status Of The Priority Documents Has Been Updated In The Specification

Applicants have amended the first paragraph of the specification to reflect the current status of the priority documents.

The Rejection Of Claim 83 Should Be Withdrawn

Claim 83 stands rejected under 35 U.S.C. § 112, first paragraph, for alleged lack of enablement. Applicants respectfully traverse this rejection.

Applicants first note that claim 83 has been amended to limit the claims to a method of treating a lymph node pathology using a peptide conjugated to a therapeutic agent. The reasons given for the rejection in the Office Action stated: “while being enabling for treatment of a lymph node pathology using a peptide conjugated to a therapeutic agent. . . .” Thus, Applicants submit that the text of the Office Action signaled that claim 83, limited as it is now to a method of treating a lymph node pathology using a peptide conjugated to a therapeutic agent, would be allowable. Furthermore Applicants submit that the person of skill in the art would not have had to undertake an undue quantity of experimentation in order to practice the claimed invention, as the peptide of SEQ ID NO:336 and the types of therapeutic agents are fully described in the instant specification in such a way that the person skilled in the art would have known how to treat a lymph node pathology. (See, for example, pages 52-53 of the specification, where particular therapeutic agents are described.)

In view of the Office Action’s signaling that claim 83 would be allowable if presented in its current form, Applicants submit that the rejection under 35 U.S.C. § 112, first paragraph, should be withdrawn.


CONCLUSION

In light of the Amendments and Remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect. Should the Examiner have any questions, Applicants request the courtesy of a telephone call to the undersigned attorney.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Matthew V. Grumbling
Registration No. 44,427

4370 La Jolla Village Drive, Suite 700
San Diego, CA 92122
Phone: 858.535.9001 MVG:cej
Facsimile: 858.597.1585
Date: February 2, 2005

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